

Application No. (if known): 10/750,138

Attorney Docket No.: 01946/100G527-US2

## Certificate of Express Mailing Under 37 CFR 1.10

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Commissioner for Patents  
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on November 3, 2004  
Date

Signature

Typed or printed name of person signing Certificate

Registration Number, if applicable

Telephone Number

Note: Transmittal Form (1 page);  
Reply to Incomplete Application (2 pages);  
Abstract (1 page);  
Copy of Notice of Incomplete Reply (1 page)  
Exhibits A-C; and  
Return Postcard.





## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/750,138	12/31/2003	David Gschneidner	01946/100G527-US2

07278  
 DARBY & DARBY P.C.  
 P. O. BOX 5257  
 NEW YORK, NY 10150-5257

CONFIRMATION NO. 9762

## FORMALITIES LETTER



\*OC000000014059672\*

Date Mailed: 10/12/2004

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on 09/23/2004 to the Notice to File Missing Parts (Notice) mailed 05/05/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) is required. An abstract was not provided for this application.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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 Alexandria, Virginia 22313-1450  
 www.uspto.gov

NOV 03 2004

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/750,138	12/31/2003	David Gschneider	01946/100G527-US2

 07278  
 DARBY & DARBY P.C.  
 P. O. BOX 5257  
 NEW YORK, NY 10150-5257

CONFIRMATION NO. 9762

FORMALITIES LETTER



\*OC000000012536333\*

Date Mailed: 05/05/2004

## NOTICE TO FILE CORRECTED APPLICATION PAPERS

*Filing Date Granted*

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- An abstract of the technical disclosure not exceeding 150 words in length and commencing on a separate sheet in compliance with 37 CFR 1.72(b) is required. An abstract was not provided for this application.

Replies should be mailed to: Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

 Customer Service Center  
 Initial Patent Examination Division (703) 308-1202  
 PART 2 - COPY TO BE RETURNED WITH RESPONSE



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Examiner: Not Yet Assigned

{W:\01946\100g527us2\00260815.DOC [REDACTED]}



11/08/04

17W

Docket No: 01946/100G527-US2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David Gschneidner et al.

Serial No.: 10/750,138

Confirmation No.: 9762

Filed: December 31, 2003

Art Unit: Not Yet Assigned

Examiner: Not Yet Assigned

For: COMPOUNDS AND COMPOSITIONS FOR DELIVERING ACTIVE AGENTS

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RESPONSE TO NOTICE OF INCOMPLETE REPLY

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

The Notice of Incomplete Reply mailed October 12, 2004 states that Applicants reply of September 23, 2004 did not include an abstract. Applicants respectfully submit that an abstract was submitted with their September 23, 2004 reply. In support thereof, Applicants submit herewith:

(a) copies of correspondence filed with the Patent Office on September 23, 2004, which includes an abstract, and a copy of a return postcard and Certificate of Express Mailing which references said abstract (Exhibit A);

(b) a declaration by Dwight Peck explaining docketing procedures at Darby & Darby P.C. (Exhibit B);



(c) a copy of the postcard returned from the Patent and Trademark Office dated September 23, 2004 (Exhibit C).

In view of the above, Applicants respectfully submit that their reply of September 23, 2004 was complete, and that the current Notice issued as a result of a PTO error. Therefore, Applicants do not believe that any fee is required with this submission.

Applicants include herewith a copy of the Abstract originally filed on September 23, 2004.

Applicants authorize the PTO to charge Deposit Account 04-0100 for any fees deemed necessary for this submission. Nevertheless, Applicants will petition for a refund of any fees charged to this deposit account in connection with this reply.

Dated: November 3, 2004

Respectfully submitted,

By Jason C. Chumney  
 Jason C. Chumney  
 Registration No.: 54,781  
 DARBY & DARBY P.C.  
 P.O. Box 5257  
 New York, New York 10150-5257  
 (212) 527-7700  
 (212) 753-6237 (Fax)  
 Attorneys/Agents For Applicant



Atty Docket No.: 01946/100G527-US2

Inventor: David Gschneidner et al.

Appln: 10/750,138

Filed: Dec. 31, 2003

Title: COMPOUNDS AND COMPOSITIONS FOR  
DELIVERING ACTIVE AGENTS

**Documents:**

Certificate of Express Mailing Under 37 C.F.R. §1.10 (1 page);

Transmittal Form (1 page);

Fee Transmittal (1 page);

Petition for Extension of Time Under 37 C.F.R. §1.136 (a) (1 page);

Response to File Corrected Application Papers (1 page);

Abstract (1 page); and

Part 2 Copy of Notice (1 page).

check For \$950 6206

Via: Express Mail: Airbill No.

Sender Initials: JCC/pac Date: September 23, 2004

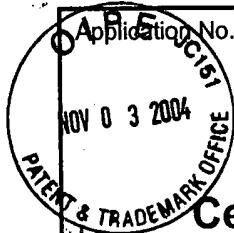
01946/100G527-US2

DBP

DARBY & DARBY, P.C. PATENT OFFICE ACCOUNT 805 THIRD AVENUE NEW YORK, NY 10022		1-8-210	6206
DATE <u>9-23-04</u>			
COMMISSIONER OF PATENTS & TRADEMARKS		\$ <u>950</u> <sup>00</sup> / <sub>100</sub>	
PAY TO THE ORDER OF <u>Nine Hundred &amp; Fifty</u>		DOLLARS	
MEMO <u>7,50,138/100G527US2 Gabriella V. Karaszi</u>			
CITIBANK N.A. BR. #852 153 EAST 53RD STREET NEW YORK, NY 10043			
The Citigroup Private Bank			
MP			
⑆021000089⑆ 433480740 6206			

Application No. (if known): 10/750,138

Attorney Docket No.: 01946/100G527-US2



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on September 23, 2004  
Date

Signature

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

Transmittal Form (1 page);

Fee Transmittal (1 page);

Petition for Extension of Time Under 37 C.F.R. §1.136(a) (1 page);

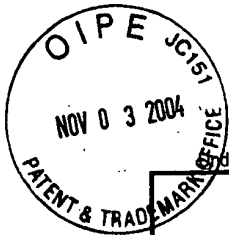
Response to File Corrected Application Papers (1 page);

Abstract (1 page);

Part 2 Copy of Notice (1 page); and

Return Receipt Postcard.

*check for \$950*



PTO/SB/21 (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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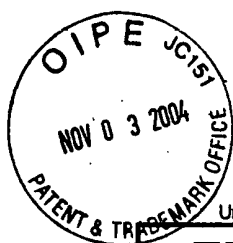
<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/750,138	
	Filing Date	December 31, 2003	
	First Named Inventor	David Gschneidner, et al.	
	Art Unit	1616	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	7	Attorney Docket Number	01946/100G527-US2

**ENCLOSURES (Check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form  <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment/Reply  <input type="checkbox"/> After Final  <input type="checkbox"/> Affidavits/declaration(s)  <input checked="" type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement  <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s)  <input type="checkbox"/> Licensing-related Papers  <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application  <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund  <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group  <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences  <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)  <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):  Certificate of Express Mailing
<b>Remarks</b>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual name	DARBY & DARBY P.C. Jason C. Chumney, 54,781
Signature	
Date	September 23, 2004



PTO/SB/17 (10-03)  
Approved for use through 7/31/2006. OMB 0651-0032  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 950.00

## Complete if Known

Application Number 10/750,138  
Filing Date December 31, 2003  
First Named Inventor David Gschneidner, et al.  
Examiner Name Not Yet Assigned  
Art Unit 1616  
Attorney Docket No. 01946/100G527-US2

### METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number

04-0100

Deposit Account Name

Darby & Darby P.C.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

### FEE CALCULATION

#### 1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

#### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	Fee	Fee	Fee
Multiple Dependent	Fee	Fee	Fee

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

### FEE CALCULATION (continued)

#### 3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	950.00
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 950.00

### SUBMITTED BY

Name (Print/Type) Jason C. Chumney

Registration No. (Attorney/Agent)

54,781

(Complete (if applicable))

Telephone (212) 527-7700

Signature

Date

September 23, 2004

Express Mail Label No.

Dated: